

SECTION 113
AMENDMENTS BY
THE PLANNING AND ZONING COMMISSION
AND
TOWN COUNCIL

A. AUTHORITY:

1. The Town Council, may, from time to time, after public hearings and Commission report as prescribed herein, amend supplement or change zoning boundaries or zoning text regulations herein or subsequently established. Any such proposed amendments may be initiated by the Planning and Zoning Commission, the Town Council or by application of property owners.
2. Application for amendment shall be filed in the office of the Community Development Department on forms provided therefore.

B. APPLICATIONS:

1. Any amendment to this Zoning Ordinance, which changes any property from one zone to another, imposes any regulation not previously imposed, or which removes or modifies any regulation previously imposed shall be adopted in the manner set forth in this section.
2. Applications for Zoning Ordinance text amendments and rezoning amendments requiring Town Council approval shall be made in the office of the Community Development Department on a form provided, along with such supplemental information required by the Department, and shall be accompanied by a fee established by approval of the Town Council. No part of any such fee shall be refundable after an application is filed and such fee paid, except at the discretion of the Town Council.
3. Before any such amendments or use permits shall be considered by the Town Council, the request or amendment shall be referred to the Planning and Zoning Commission for a report and written recommendation. The recommendation shall include the reasons for the recommendation and be transmitted to the Town Council in such form and manner as may be specified by the Town Council. Prior to reporting on any such request or amendment, the Planning and Zoning Commission shall hold a public hearing. After such hearing the Council may adopt the recommendation of the Planning and Zoning Commission without holding a second public hearing

provided there is no objection, request for public hearing or other protest. The Town Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the Town Council, or in any case, if no public hearing has been held by the Planning and Zoning Commission. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission. The Commission shall report to the Town Council within 60 days of the date of a complete application submittal.

4. Notice of public hearing for all amendments to the zoning ordinance or the zoning map shall be done in accordance with the provisions of Arizona Revised Statutes 9-462.04 as they exist now or as they are amended from time to time.
5. Written protests of any amendments to the zoning ordinance or the zoning map shall be filed in the office of the Community Development Department by no later than 5:00 p.m. the Friday preceding the Town Council meeting at which such amendment will be considered.
6. A decision made by the Town Council involving rezoning of land which is not owned by the Town and which changes the zoning classification of such land may not be enacted as an emergency measure and such a change shall not be effective for at least 30 days after the final approval of the change in classification by the Council.
7. In the event an application has been denied by the Town Council, the Commission shall refuse to consider a similar application within twelve (12) months of the application date.

C. CITIZEN REVIEW AND PARTICIPATION:

1. For all zone change applications, specific plan applications or use permit applications the following citizen review and participation process is required:
 - a. Prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with the planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection **b.** below.

- b.** The applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change, specific plan application or use permit.
 - c.** At least 15 days prior to the scheduled neighborhood meeting, the applicant shall notify all property owners within 300 feet of the subject site by first class mail and post the actual property with meeting date and time. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses. The applicant shall provide an affidavit attesting to this notification being accomplished.
 - d.** It is the responsibility of the applicant or their representative initiating the zone change to conduct the meeting and provide an opportunity for a question and answer period by the audience. It is also the responsibility of the same to identify a point of contact to the public for follow up questions and comments.
 - e.** A written summary of the meeting by way of affidavit, including a list of attendees and the issues and concerns discussed, must be prepared by the applicant and a copy submitted to the Planning Department within 15 days after the neighborhood meeting along with a photo of the posting on the property and a copy of the letter sent out about the meeting.
- 2.** If the Town adopts any zone change or any amendment that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, it must comply with the citizen review process as set forth in ARS §9-462.03.